

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Crisby Studio AB, a Swedish limited liability company, Niklas Thorin, a Swedish resident, and Prime Loyalty, a New York limited liability company

Plaintiffs,

v.

GoDaddy, Inc., a Delaware corporation, GoDaddy.com, LLC, a Delaware corporation, and 123-Reg Limited, a UK company,

Defendants.

Case No. 2:24-cv-02165-SMB

**DECLARATION OF NIKLAS THORIN IN SUPPORT OF PLAINTIFF CRISBY'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

I, Niklas Thorin, declare

1. I am the owner of Crisby Studio AB ("Crisby"), a limited liability company formed under the Country of Sweden, with a principal place of business located in Stockholm, Sweden.

2. I am a customer of GoDaddy's registrar services as well as a customer of GoDaddy's aftermarket services with the customer number 41750938.

3. When I register a domain name with GoDaddy, I am not presented with any terms or conditions until after I place the domain name into GoDaddy's shopping cart and indicate my intention to proceed with payment.

4. In the shopping cart, as the final step in the purchase process, just below the "Complete Purchase" button, there is a paragraph in small print that states: "By clicking 'Complete Purchase,' you agree to our Terms & Conditions and Privacy Policy, . . ."

5. There is no checkbox requiring me to affirm that I have read or agreed to any terms and conditions.

1           6.       Despite registering a domain name, there was no link to a domain name registration  
2 agreement in the shopping cart.

3           7.       Prior to preparing for this litigation, I had noticed that the words “Terms and  
4 Conditions” were underlined, likely indicating hyperlinks, but I had never clicked on them. I was  
5 never required to do so.

6           8.       In preparation for this litigation, I clicked on the words “Terms and Conditions” in  
7 the shopping cart for the first time and discovered that it directed me to GoDaddy’s Universal  
8 Terms of Service (UTOS), which consists of at least 33 single-spaced pages.

9           9.       In the upper left-hand corner of the UTOS page, there were links to four additional  
10 documents, including one titled the Domain Name Registration Agreement (DNRA).

11          10.      The DNRA was also approximately 33 single-spaced pages.

12          11.      Attachment 1 to this Declaration is a true and correct copy of what I view in the  
13 shopping cart.

14          12.      Attachment 2 to this Declaration is a true and correct copy of the first page of the  
15 UTOS that appears after I click on the words “Terms and Conditions” in the shopping cart.

16  
17  
18                   [THIS REST OF THIS PAGE IS INTENTIONALLY BLANK]  
19

1 I declare under the penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct.

3 Executed in Malaga, Spain

4  
5  Oct 4, 2024  
6

7  
Niklas Thorin

# Attachment 1

×

Cart - GoDaddy 3 PDF

← 3 of 4 →

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Page 1 of 3

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Highlight

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Add Text

💬

Comment



< Back

# Checkout

## Billing Information



Niklas Thorin

Edit

Mailbox 337, STOCKHOLM, STOCKHOLM 111 73, Sweden

Crisby AB

SE556880889201

## Payment



Ending with 5066

Edit

[https://cart.godaddy.com/go/checkout?cart\\_ref=header\\_cart#/complete](https://cart.godaddy.com/go/checkout?cart_ref=header_cart#/complete)

04/10/2024, 15:26

Cart - GoDaddy

# Attachment 2

# Terms & Conditions

[Universal Terms of  
Service Agreement](#)

[Privacy Policy](#)

[Refunds](#)

[Domains by Proxy  
Agreement](#)

[Domain  
Registration  
Agreement](#)

## GoDaddy - UNIVERSAL TERMS OF SERVICE AGREEMENT

Last Revised: 4/1/2024

PLEASE READ THIS UNIVERSAL TERMS OF SERVICE AGREEMENT CAREFULLY, AS IT CONTAINS IMPORTANT INFORMATION REGARDING YOUR LEGAL RIGHTS AND REMEDIES.

### 1. OVERVIEW

This Universal Terms of Service Agreement (this “**Agreement**”) is entered into by and between GoDaddy.com, LLC, GoDaddy Payments, LLC (for any payment services) and Poynt, LLC (for any hardware services) (“**GoDaddy**”) and you and is made effective as of the date of your use of this website (“**Site**”) or the date of electronic acceptance. This Agreement sets forth the general terms and conditions of your use of the Site and the products and services purchased or accessed through this Site (individually and collectively, the “**Services**”). Any agreements, arrangements and/or additional policies that apply to certain Services

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# Terms & Conditions

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# Terms & Conditions

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